

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12330 of 2024

Arising Out of PS. Case No.-13 Year-2012 Thana- SAHJAHANPUR District- Patna

Siraj Ansari Son of Kashim Ansari @ Md. Kashim, Resident of Village- Goss,
Police Station- Dewri, District- Giridih, A/p. Oriental College, Patna City,
Police Station- Sultanganj, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Gajanan Mishra, the learned counsel for

the petitioner and Mr. Md. Aslam Ansari, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Shahjanpur PS Case No. 13 of 2012, FIR dated

29.04.2012, registered for the offence punishable under Section

420 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the informant along

with other police personnel caught two persons, who were

driving rashly, and from their possession several Matriculation

and Intermediate documents of various persons were recovered.

It is further alleged that through their telephonic conversation it

was disclosed that they were supposed to help in cheating in



AIEE examination and for this they were paid Rs. 1,00,000/- (Rupees one lakh).

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of disclosure made by co-accused persons namely, Ashutosh Bhartiyam and Ashish Kumar and they have been acquitted by the learned trial Court vide order dated 13.11.2019 in Tr. No. 1922 of 2019 (Annexure-2) and the petitioner has no knowledge about the present case and when the police has come in the house of the petitioner then the petitioner has got knowledge about the present case in the month of October, 2023 and the co-accused person namely, Saurabh Kumar has been granted anticipatory bail vide order dated 20.02.2024 passed in Cr. Misc. No. 9625 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and similarly situated co-accused person has been granted anticipatory bail by this Court, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the



order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Patna City, where the case is pending in connection with **Shahjanpur PS Case No. 13 of 2012**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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